IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 6903/2005

SMT. BANARSI DEVI Vs. STATE OF RAJASTHAN & ORS.

Date: 05.07.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Anoop Dhand for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.

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The petitioner was appointed as part time Cook at the Government Savachhakar Boys Hostel run by the Department of Social Welfare, Sikar in the year 1995 and since then she is continuously working on this post. This writ petition is filed by the petitioner seeking writ order or direction by this Court to regularise the services of the petitioner on the post of Cook and to provide all the benefits to the petitioner along with consequential benefits.

Learned counsel for the petitioner has placed reliance on the judgment rendered by this Court in the case of **Smt. Radha Devi Vs. State of Raj. & Anr., reported in 2005(2) WLC(Raj.) 220,** wherein this Court has held that scheme for rgularisation of part time workers in Social Welfare Department already framed and

as per the scheme framed the petitioner be regularised on the post of Cook if the petitioner otherwise found eligible and till then the petitioner is entitled for minimum pay of class IV employee.

Hon'ble the Supreme Court in Special Leave to Appeal (Civil) No. 16471/95 decided on 21.01.95 has observed as under:-

> "We have heard the learned counsel for the State of Rajasthan as well as the respondents in the present case. The learned counsel for the State of Rajasthan has placed before us for regularisation of the part-time employees in question for the purpose of dividing them into three groups. The first group comprises those who have on May, 1995. The second group comprises those who have been working on May 1, 1995 and have continued to work thereafter. These employees are intended to be regularised from August 15, 1996, April 1, 1997 and April, 1998 respectively. The seniority will be determined on the basis of the first working day in accordance with the relevant rules. The eligibility in regard to age, educational qualification and physical fitness have also to be determined in accordance with the Rules applicable to Class-IV employees in different departments at the relevant point of time. The final implication has also been separately worked down. The Scheme has been appended to the list of dates as Annexure-'A' which we taken on record. The Scheme appears to be reasonable and acceptable and the Government of

> Rajasthan may proceed to finalise and implement the same except that in the first phase a clarification would be required since it says that the employees who have completed five years on May, 1995 and 'those part-time employees who have been pay scale No.1 in compliance of various Court judgments' which gives the impression that they may not have completed five years of service and even so they are accepted to be regularised. In regard to the laterg group of employees falling into the first phase a clarificatory statement may be requred to be made which the State would be at liberty to do. Taking this Scheme to be just and reasonable, we dispose of these petitions by substitution the High Court's order by an order directing regularisation as per the scheme. The petitions are disposed of accordingly."

In view of the observations made by the Hon'ble Supreme Court and the Scheme framed by the Social Welfare Department, the respondents are directed to undertake regularisation process so far as the petitioner is concerned and consider the case of the petitioner for regularisation of her services. Till then, the petitioner may be paid minimum of the pay scale of Class-IV employee.

The writ petition stands allowed as indicated herein above.

(K.S. RATHORE),J.

/KKC/